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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,564	10/31/2003	Tapesh Yadav	037768-0173	1121
24950 7590 09/19/2008 PPG INDUSTRIES INC INTELLECTUAL PROPERTY DEPT ONE PPG PLACE PITTSBURGH, PA 15272				
EXAMINER				
LIGHTFOOT, ELENA TSOY				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
09/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action

The amendment filed on September 9, 2008 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because: the proposed amendment to claim 1 and 15 raises new issues, such as “*wherein the powder manufactured comprises nano-dispersed nanopowders comprising carrier particles of at least one first composition and attached particles of at least one second composition that are dispersed on and attached to the surface of the carrier particles, wherein the attached particles differ from the carrier particles, wherein the ratio of the average size of the attached particles to the average size of the carrier particles is greater than or equal to 1:2*”, and “*combustion being performed at temperature greater than 600 °C*”, that would require further search and consideration since they were not searched and addressed in the Final Office Action mailed on 6/9/2008. The proposed amendment to claim 1 also introduces **new matter** and enablement issues since it reads on the attached particles being larger in size than the carrier particles. Note that Applicants’ specification describes in para. 35, “More particularly, the ratio of the average diameter of the *carrier* particles and the average diameter of the attached particles is greater than or equal to 2”, not ratio of the attached particles to the carrier being greater than 1:2, as in the proposed amendment to claim 1.

III. Remarks

Applicants submit that this paper, entitled Second Amendment After Final, is based on the claims as the read before the final rejection dated 06-09-2008. The First Amendment After Final, filed 08-05-2008, was technically not entered, but would have been entered if an appeal brief were filed. Form PTOL-303, item 7.

However, in contrast to Applicants statement, the First Amendment After Final, filed 08-05-2008, was entered, and the Second Amendment After Final, is not based on the claims as the read before the final rejection dated 06-09-2008' or on any claims including original claims.

Response to Arguments

Applicant's arguments have been considered but are moot because they discuss non-entered amendment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy Lightfoot whose telephone number is 571-272-1429. The examiner can normally be reached on Monday-Friday, 9:00AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy-Lightfoot, Ph.D.
Primary Examiner
Art Unit 1792

September 20, 2008

/Elena Tsoy Lightfoot/